

### REMARKS

Applicants respectfully requests further examination and reconsideration in view of the above amendments. Claims 1, 4-8, 11-23, and 27-30 remain pending in the case. Claims 1, 4, 6-8, 11, 13-23, and 27-30 are rejected. Claims 5 and 12 are objected to. Claims 1, 5, 6, 8, 15 and 23 are amended herein. Claims 31-37 have been added herein. No new matter has been added.

### ALLOWABLE SUBJECT MATTER

In the office action mailed January 24, 2006, Examiner indicated that Claims 3, 5, 10, 12, and 26 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In reliance on Examiner's remarks, Applicants amended independent Claim 1 so as to substantially include the limitations of dependent Claims 2 and 3; Applicants amended independent Claim 8 so as to substantially include the limitations of dependent Claims 9 and 10; Applicants amended independent Claim 15 so as to add limitations in the spirit of Claims 3, 10, and 26; and Applicants amended independent Claim 23 so as to substantially include the limitations of dependent Claims 24-26.

However, Examiner has withdrawn the indicated allowability of Claims 3 and 10. Applicants note that Examiner has not specifically mentioned the withdrawal of the indicated allowability of Claim 26, but Applicants further note that Claim 26 contained language similar to Claims 3 and 10. As such, Applicants presume that Examiner has likewise withdrawn the indicated allowability of Claim 26. In response to Examiner's withdrawal of the indicated allowability of Claims 3 and 10 (and presumably Claim 26), Applicants have removed the corresponding limitations from independent claims 1, 8, 15 and 23 and added new Claims 31-37.

### 35 U.S.C. §102(b)

Claims 1, 4, 6, 8, 11, 13, 23, and 27-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,812,799 by Zuravleff, hereinafter referred to as the "Zuravleff" reference. Applicants note that independent Claims 1, 8, and 23 each recite "packets." Applicants further note that the common computer science definition of the term "packet" is "A short block of data transmitted in a packet

*switching network*” (<http://dictionary.reference.com/search?q=packet>, as of May 24, 2006, emphasis added). As such, applicants respectfully submit that Examiner has not given full meaning to the word “packet” because Zuravleff in no way teaches or discloses a packet switching network. To further clarify this point, Applicants have amended independent Claim 1 to repeatedly recite that the steps of the method contained therein occur in a “network node.” Additionally, Applicants note that Claim 8 is directed to a “*network* method” (emphasis added) and Claim 23 is directed to a “*networking* device” (emphasis added). While Applicants acknowledge that a claim's preamble generally does not serve to limit its scope, Applicants respectfully submit that these preambles, when viewed in context with the subsequent recitations of “packets,” should be given their meaning to the extent that they recite *network* methods and devices.

Therefore, Applicants respectfully submit that independent Claims 1, 8, and 23 overcome the rejection under 35 U.S.C. §102(b) and are thus in condition for allowance. Furthermore, Applicants respectfully submit that Claims 4, 6, 31, and 32 that depend from Claim 1, Claims 11, 13, 33, and 34 that depend from Claim 8, and Claims 27-29 and 35-37 are also in condition for allowance as being dependent on allowable base claims.

35 U.S.C. §103(a)

Claims 7, 14, and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zuravleff in further view of United States Patent 5,875,466 by Wakerly, hereinafter referred to as the “Wakerly” reference. Applicants respectfully submit that Wakerly does not remedy the shortcomings of Zuravleff. As such, Applicants respectfully submit that independent Claims 1, 8, and 23 overcome the rejection under 35 U.S.C. §102(b) and are thus in condition for allowance. Therefore, Applicants respectfully submit that Claim 7 that depends from Claim 1, Claim 14 that depends from Claim 8, and Claim 30 that depends from Claim 23 are also in condition for allowance as being dependent on allowable base claims.

Claims 15-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,542,507 by Khacherian, hereinafter referred to as the “Khacherian” reference in view of Zuravleff. First, Applicants respectfully submit that to the extent that Khacherian may teach a network switch generally, the reference does not provide a teaching, suggestion, or motivation to combine its teachings with Zuravleff. Applicants note that the objective of Khacherian is minimizing cell dropping [Khacherian, col. 1, lines 56-57, and col. 3, lines 13-16], which Applicants submit is different from the objectives of the present invention.

Secondly, as noted above, Applicants respectfully submit that Zuravleff does not concern packet switching at all. Furthermore, Applicants respectfully submit that it is improper to view Figures 3(a) and 5 of Zuravleff in combination because Figure 3(a) illustrates “unpredictable memory latency in a *known* multiprocessor system” [Zuravleff, col. 4, lines 60-61, emphasis added], whereas Figure 5 is a “schematic illustration ... for an *embodiment*” [Zuravleff, col. 5, lines 1-2, emphasis added]. Examiner appears to use Zuravleff’s objective of allowing a high rate of transfer to memory and I/O devices for tasks which have real-time requirements as somehow suggesting the combination of Zuravleff and Khacherian. However, Applicants respectfully submit that this objective in fact *teaches away* embodiments of the present invention. Applicants note that in order to achieve the stated objective of Zuravleff, its non-blocking load buffer assigns *priorities* to particular memory and peripheral accesses. [Zuravleff, col. 4, lines 1-5.] In contrast, packet switching devices forward packets on a FIFO basis so as to avoid any bandwidth monopolies. Accordingly, Applicants find no teaching, suggestion, or motivation in Zuravleff to combine it with Khacherian. Thus, Zuravleff teaches away from embodiments of the present invention.

As such, Applicants respectfully submit that Claim 15 overcomes the rejection under 35 U.S.C. §103(a) and is thus in condition for allowance. Furthermore, Applicants respectfully submit that Claims 16-20 that depend from Claim 15 are also in condition for allowance as being dependent on an allowable base claim.

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Khacherian in view of Zuravleff in further view of U.S. Patent No. 6,584,130 by Hanaoka, hereinafter referred to as the “Hanaoka” reference. Based on the above rationale, Applicants respectfully submit that Claim 15 is allowable over Khacherian and Zuravleff. Moreover, Applicants respectfully submit that Hanaoka does not overcome the shortcomings of Khacherian and Zuravleff. As such, Applicants respectfully submit that that Claim 15 is also allowable over Khacherian, Zuravleff, and Hanaoka, and is thus in condition for allowance. Furthermore, Applicants respectfully submit that Claim 21 that depends from Claim 15 is also in condition for allowance and being dependent on an allowable base claim.

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Khacherian in view of Zuravleff in further view of Wakerly. Based on the above rationale, Applicants respectfully submit that Claim 15 is allowable over Khacherian and Zuravleff, alone or in combination. Moreover, Applicants respectfully submit that Wakerly does not overcome the shortcomings of Khacherian and Zuravleff, alone or in combination. As such, Applicants respectfully submit that that Claim 15 is also allowable over Khacherian, Zuravleff, and Wakerly, alone or in combination, and is thus in condition for allowance. Furthermore, Applicants respectfully submit that Claim 22 that depends from Claim 15 is also in condition for allowance and being dependent on an allowable base claim.

### CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1, 4, 6-8, 11, 13-23, and 27-30 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims and new Claims 31-37. The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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